

**COMMITTEE OF ADJUSTMENT
FOR THE CITY OF OTTAWA**

**COMITÉ DE DÉROGATION
POUR LA VILLE D'OTTAWA**

DECISION/DÉCISION
MINOR VARIANCE/PERMISSION
DEMANDE DE DÉROGATIONS MINEURES/PERMISSION
(Section 45 of the *Planning Act*)
(Article 45 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°:	D08-02-13/A-00225
Owner/ Propriétaire:	Randy Kuang & Sherry Cai
Agent/ Représentant:	Randy Kuang
Legal Description//Description officielle:	Lot 7, Reg. Plan 8
Property Address/Adresse de la propriété:	365 Friel Street
Zoning/Zonage:	R4T [480]
By-Law/Règlement:	2008-250
Ward/ Quartier:	12 - Rideau-Vanier
Former Municipality/Ancienne municipalité:	Ottawa

Notice was given and a Public Hearing was held on August 7, 2013, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owners want to demolish the existing dwelling and construct a three-storey, three-unit apartment building, as shown on plans filed with the Committee.

RELIEF REQUIRED/DISPENSE REQUISE:

In order to proceed, the Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced rear yard setback of 15.7% of the lot depth or 3.148 metres whereas the By-law requires a minimum rear yard setback of 25% of the lot depth or 5.05 metres, in this case.
- b) To permit a reduced rear yard lot area of 15.7% of the lot area or 46.65 square metres whereas the By-law requires a minimum rear yard lot area of 25% of the lot area or 74.89 square metres, in this case.

THE APPLICATION indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. N. Kuang representing his parents, the Owners of the property. Ms. S. Cai was also in attendance.

In response to the concerns expressed by Ms. Dandy of the City's Planning and Growth Management Department and to Action Sandy Hill, Mr. Kuang explained that the proposed apartment building had been shifted towards the rear of the property some 5 to 6 feet so as to respect the City's new Infill By-law, which in turn necessitated the minor variances. He also explained that the proposed building would be slightly wider, however, would be no greater in depth than the existing dwelling. Despite Ms. Dandy's concerns with respect to the location of the main entrance Mr. Kuang insisted that the current design with the main entrance located off to one side of the proposed building is optimum in terms of providing maximum interior space for each of the units. He stated that by locating the entrances in the centre of the building each of the 3 units would end up being compromised.

Mr. Kuang indicated that he did not concur with the Committee and Ms. Dandy's suggestion to eliminate one of the driveways and apply for a minor variance to address the reduction in the number of required parking spaces.

Mr. Kuang, in response to questions from the Committee, indicated that he did not have any streetscape evidence to demonstrate that the new building would be compatible with the existing neighbourhood and when asked to address the four tests of the Planning Act, with respect to the requested rear yard relief, stated that the proposed building will be setback similar to that of the existing dwelling.

Mr. Kuang declined the suggestion to adjourn the application in order make revisions to the plans and asked the Committee to proceed with the hearing of the application as filed.

**DECISION AND REASONS OF THE COMMITTEE:
DÉCISION ET MOTIFS DU COMITÉ:**

**APPLICATION REFUSED
DEMANDE REJETÉE**

The Committee, in determining whether or not minor variances should be approved, must consider the “four tests” set out in Section 45(1) of the *Planning Act* and must have regard to the impact of the development on the existing neighbourhood. In deliberating on this application, the Committee notes that the proposed 3-storey apartment is new construction and in the absence of proper planning rationale to support the requested relief does not maintain the general intent and purpose of the Zoning By-law, which is to provide adequate open amenity area and sufficient separation distances and as such will result in an adverse impact on the neighbouring properties.

Therefore, the Committee having reviewed the plans, photographs and correspondence on file, is of the opinion that the proposal with the two driveways and entrance to the side is not desirable or appropriate development or use of the land and that the general intent of the Zoning By-law and the Official Plan is not maintained. This application is therefore refused.

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Ontario Municipal Board, a letter, outlining the reasons for appeal, must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **5th day of September, 2013**. The OMB has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal. If you have any questions about the appeal process, please contact the Committee of Adjustment office.

Only individuals, corporations and public bodies who have an interest in this matter may appeal this Decision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

DECISION SIGNATURE PAGE:
PAGE DE SIGNATURE DE LA DÉCISION:

File No./Dossier n° : D08-02-13/A-00225

Owner/Propriétaire: Randy Kuang & Sherry Cai

Property Address/Adresse de la propriété: 365 Friel Street

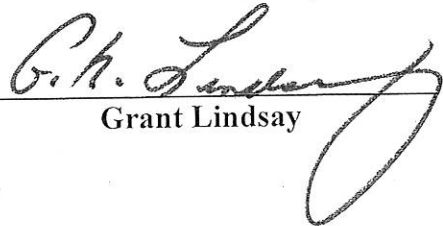
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le
Comité de dérogation:



John Blatherwick
Vice-Chair/Vice-Président

(Absent)

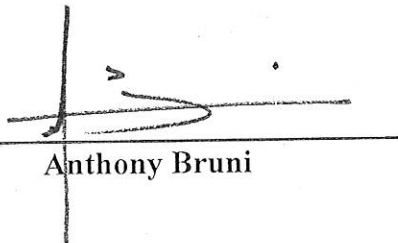
D. John Naccarato



Grant Lindsay

(Absent)

Ann M. Tremblay



Anthony Bruni

I, Grant Viau, Deputy Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Grant Viau, secrétaire-trésorier adjoint du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

Aug 16/13

Date of Decision:

Date de la décision :



Grant Viau
Deputy Secretary-Treasurer
Secrétaire-trésorier adjoint